

S/N 09/917,890

Response to Office Action Dated 09/21/2005

REMARKS

The Office Action dated 09/21/2005 requires Applicant to elect one of two groups of claims, i.e., Groups I and II, wherein Group I comprises claims 1—18 and Group II comprises claims 19—57.

5 The Applicant hereby elects Group II, which includes claims 19—57.

However, this election is made with traverse for the following reasons.

M.P.E.P. § 803 states that an application may be properly restricted only if (1) the inventions are independent or distinct as claimed, and (2) there is a serious burden on the Examiner if restriction is not required. Thus, even if appropriate 10 reasons exist for requiring restriction, such a requirement should not be made unless there is an undue burden on the Examiner to examine all of the claims in a single application.

It would seem that the searches involved for both claim groups would substantially overlap. In a primary example of the overlap associated with the 15 search for Groups I and II, consider the base claim of Group I, i.e. claim 1.

The first paragraph of claim 1 recites, “receiving at least one image from a web site”. The search for these elements will substantially overlap with that of a search for claim 20 (of Group II), wherein paragraph 1 of claim 20 recites “receiving said at least one image from said remote device”.

20 The second and fourth paragraphs of claim 1 recite, “receiving a fee arrangement for said at least one image” and “requesting payment of a fee based on said fee arrangement”. The search associated with these paragraphs will substantially overlap with the search for claims 56 and 57 (in Group II), which also recite aspects of receiving payment.

S/N 09/917,890

Response to Office Action Dated 09/21/2005

The third paragraph of claim 1 recites, "incorporating said at least one image in a document", while the second paragraph of claim 26 (in Group II) recites in part, "incorporating said at least one image in said document based on said attributes". Therefore, the search associated with these paragraphs will 5 substantially overlap.

Other instances of search overlap are numerous. For instance, the first paragraph of claim 2 (in Group I) recites "receiving a user selection of said image from said web site", while the second paragraph of claim 19 (in Group II) recites "receiving a user-selection of said at least one image included in said list of 10 images". Thus, the search will overlap in the area of 'receiving a user selection'. In a second instance, the second paragraph in claim 4 (in Group I) recites "storing said image basket", while the first paragraph of claim 19 (in Group II) recites, in part, "storing a list of images". Thus, the search will overlap in the area of storing. In a third instance, paragraph 4 of claim 1 (Group I) recites "requesting payment 15 of a fee based on said fee arrangement", while claim 57 (Group II) recites in part "wherein said at least one server is operable to transmit said document to said user device in response to receiving said payment". Thus, the search will overlap in the area of fees and payments.

These are merely examples where the search for features recited in the 20 Group I claims would appear to overlap with the search for the features recited in the Group II claims. Because of the apparent overlap in search, a serious burden would not be imposed on the Patent Office to examine all of the claims in a single application; therefore, restriction is improper.

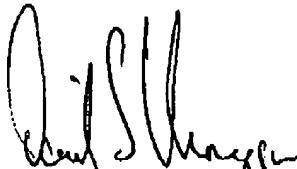
S/N 09/917,890

Response to Office Action Dated 09/21/2005

Accordingly, because the added burden of searching elements of claims 1—18 does not seem overly burdensome, the Applicant requests removal of the Restriction Requirement and examination of all of the claims, i.e., claims 1—57.

The Examiner is urged to contact the undersigned if any issues remain
5 unresolved by this Response.

Respectfully Submitted,



By:

David S. Thompson
Reg. No. 37,954
Attorney for Applicant

10

Dated: 10-21-05

15

20

LEE & HAYES PLLC
Suite 500
421 W. Riverside Avenue
Spokane, Washington 99201
Telephone: 509-324-9256 x235
Facsimile: (509) 323-8979